

February 21, 2022

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

In Re: Petition to Review Grid Reliability/Stability Proposal  
**Docket No. 2021-307-E**

Dear Ms. Boyd:

Please find enclosed for filing in the above-captioned docket on behalf of the South Carolina Coastal Conservation League a Letter in Response to the Petition to Review Grid Reliability/Stability Proposal in the above-captioned docket. Please contact me if you have any questions regarding these filings.

Sincerely,

*s/Kate Mixson*

Southern Environmental Law Center  
525 East Bay Street, Suite 200  
Charleston, South Carolina 29403  
Telephone: (843) 720-5270  
Facsimile: (843) 414-7039  
[kmixson@selcsc.org](mailto:kmixson@selcsc.org)

*Counsel for South Carolina  
Coastal Conservation League*

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**Docket No. 2021-307-E**

Dear Ms. Boyd:

The Southern Environmental Law Center (“SELC”) appreciates the opportunity to file this letter on behalf of the South Carolina Coastal Conservation League (“CCL”). SELC represents or has represented CCL along with other nonprofit organizations, such as the Southern Alliance for Clean Energy, Upstate Forever, Sierra Club, Natural Resources Defense Council, North Carolina Sustainable Energy Association, and Vote Solar, in numerous Commission dockets, including utility avoided cost, integrated resource planning (“IRP”), net energy metering (“NEM”), and other related proceedings. After reviewing the Petition in the above-referenced docket, we find it to be without merit.

As an initial matter, the issues addressed in the Petition have been thoroughly litigated before this Commission, including, most recently, in the Dominion Energy South Carolina (“DESC”) and Duke Energy IRP proceedings (Docket Nos. 2019-226-E, 2021-9-E, 2019-224-E and 2019-225-E), generic docket to evaluate the costs and benefits of NEM (Docket No. 2019-182-E), DESC and Duke Energy Solar Choice tariff proceedings (Docket Nos. 2020-229-E, 2020-264-E, and 2020-265-E), and 2021 avoided cost proceedings (Docket Nos. 2021-88-E, 2021-89-E, and 2021-90-E).

In each of these proceedings, interested parties had an opportunity to intervene, present testimony from verified subject matter experts, and participate in a merits hearing where those experts were subject to cross-examination by other parties and questions from the Commission. *See, e.g.*, Order No. 2020-832 at 58-60; Order No. 2021-447 at 39-48; Order No. 2021-390 at 58-61; Order No. 2021-391 at 79-91. These procedures, which are available to any interested person or entity, help ensure that Commission decisions are grounded in relevant law and supported by a complete record.

Here, the relief sought in the Petition and related Proposal would be an explicit violation of both federal and state law. Under the Public Utilities Regulatory Act of 1978 (“PURPA”), qualified renewable power producers (“qualifying facilities”, or “QFs”) have the right to interconnect with a utility-controlled grid, and for utilities that do not operate in wholesale markets—as is the case in South Carolina—utilities are obligated to purchase a QF’s energy and capacity at “avoided cost.” *See* 16 U.S.C. § 824a-3 (a)-(b); 18 C.F.R. § 292.303(c)(1); 18 C.F.R. § 292.304(a); *see also*

S.C. Code Ann. § 58-41-20(A) (stating that all Commission decisions must be consistent with PURPA). The South Carolina Energy Freedom Act of 2019 further reaffirms the state’s policy of promoting renewable energy, including electric customers’ rights to net metering service. *Id.* §§ 58-41-20(F)(2), 58-27-845, and 58-40-20; *see also* 16 U.S.C. § 2621(d) (authorizing state regulatory commissions to establish net metering programs).

The Petition and its requested relief are inconsistent with the applicable laws and with the expert testimony in the many dockets above showing that renewable energy resources—which already make up a significant portion of our utilities’ generation today—are reliable, cost-effective, and will play an increasingly important role on utility systems in the years to come. Accordingly, no action is required by the Commission in this docket.

Sincerely,

*s/Kate Mixson*

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525 East Bay Street, Suite 200  
Charleston, South Carolina 29403  
Telephone: (843) 720-5270  
Facsimile: (843) 414-7039  
[kmixson@selcsc.org](mailto:kmixson@selcsc.org)

# CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via first class U.S. Mail or electronic mail with a copy of the *Letter in Response to Petition to Review Grid Reliability/Stability Proposal* filed on behalf of the South Carolina Coastal Conservation League in Docket No. 2021-307-E.

Camal Robinson, Deputy General Counsel Duke Energy Carolinas, LLC and Duke Energy Progress, LLC 40 West Broad Street Greenville, South Carolina 29601 <a href="mailto:Camal.robinson@duke-energy.com">Camal.robinson@duke-energy.com</a>	Christopher M. Huber, Counsel Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 <a href="mailto:chuber@ors.sc.gov">chuber@ors.sc.gov</a>
K. Chad Burgess, Deputy General Counsel Dominion Energy Southeast Services, Inc. 220 Operation Way – MC C222 Cayce, South Carolina 29033 <a href="mailto:Chad.burgesss@dominionenergy.com">Chad.burgesss@dominionenergy.com</a>	Carri Grube Lybarker, Counsel S.C. Department of Consumer Affairs Post Office Box 5757 Columbia, South Carolina 29250 <a href="mailto:clybarker@scconsumer.gov">clybarker@scconsumer.gov</a>
Matthew W. Gissendanner, Sr. Counsel Dominion Energy Southeast Services, Inc. 220 Operation Way – MC C222 Cayce, South Carolina 29033 <a href="mailto:mgissendanner@dominionenergy.com">mgissendanner@dominionenergy.com</a>	Nicole M. Hair, Counsel Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 <a href="mailto:nhair@ors.sc.gov">nhair@ors.sc.gov</a>
Roger P. Hall, Dept. Consumer Advocate S.C. Department of Consumer Affairs Post Office Box 5757 Columbia, South Carolina 29250 <a href="mailto:rhall@scconsumer.gov">rhall@scconsumer.gov</a>	Ananta Gopalan Akgop66@live.com

This 21<sup>st</sup> day of February, 2022.

s/Kate Mixson